

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HADRIAN EQUITIES PARTNERS, LLC, et al.,
Plaintiffs,
-against-
SCWORX CORPORATION,
Defendant.

22-cv-07096 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

For the reasons stated on the record, despite the errors in Plaintiffs' initial complaint, the court declines to exercise its discretion to award sanctions and the Motion for Sanctions Pursuant to Fed. R. Civ. P. 11 is DENIED (ECF No. 11).

Moreover, for the reasons stated on the record, Plaintiffs' motion for leave to file a second amended complaint is GRANTED and the second amended complaint shall be filed and served immediately (ECF No. 34).

Additionally, for the reasons stated on the record, the motion for Carole R. Bernstein, Esq. to withdraw as attorney is GRANTED (ECF No. 51). Mr. Bernstein notified Defendant of her motion to withdraw promptly and Defendant has not filed any opposition to the motion to withdraw. Defendant was ordered to appear at the hearing today and failed to do so despite acknowledging the time and date of the conference to Ms. Bernstein. The Court finds that the non-payment of fees is sufficient grounds to permit Ms. Bernstein to withdraw as counsel.

In connection with counsel's motion to withdraw, the Court will allow Ms. Bernstein to maintain a retaining lien. Ms. Bernstein and her former client shall discuss the amount of the retaining lien and advise the court as to the agreed upon amount. If there is not agreement, Ms. Bernstein shall file a letter of no more than 3 pages with exhibits of the billing statements substantiating the amount of the retaining lien by **June 9, 2023** so that the Court may set the

amount of the lien. To the extent SCWORX disputes outgoing counsel's proposed lien, SCWORX shall send in a letter response of no more than 3 pages articulating the dispute by **June 16, 2023.**

This case will be stayed for sixty days. The stay shall be lifted on Monday, **July 31, 2023.** As a reminder, a corporate defendant may not appear *pro se*. Ms. Bernstein has also previously advised Defendant that it must appear through counsel.

The parties shall thereafter submit a revised case management plan by **August 11, 2023.** Defendant's deadline to respond to the Second Amended Complaint will be extended to **August 28, 2023.**

The Clerk of Court is directed to close the motions at ECF Nos. 11, 34, and 51.

Dated: May 30, 2023
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge